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Metropolitan Housing Desegregation: The Case for an Affirmative Program under Title VI of the Civil Rights Act of 1964.

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A 1966 document reviews a number of issues about housing segregation, which are related to Title IV of the Civil Rights Act of 1964. Discussed in five sections are the displacement impact of major Federal construction programs, Federal assistance to private housing, metropolitan housing desegregation, affirmative programs for desegregation, and the legal enforcement of Title IV. (NH)

Metropolitan Housing Desegregation

The Case for an Affirmative Program under Title VI of the Civil Rights Act of 1964

THE POTOMAC INSTITUTE, INC.

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This publication was written by Arthur J. Levin, Staff Director of the Potomac Institute, and John Silard, Washington, D. C., attorney. The authors are indebted to a number of other people for information and helpful criticism which contributed to the final text. However, the contents and views expressed in this publication are solely the responsibility of the Potomac Institute.

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Note

As this publication went to press, President Johnson declared in his "State of the Union" message on January 12, 1966, that he would ask the Congress for federal legislation to prohibit discrimination in the sale or rental of housing.

It is most heartening that this long-overdue proposal has now been placed on the national agenda, although the specific details of what the President will propose—or what the Congress may dispose—are not yet known.

However, a federal fair housing law can reach only part of what this publication advocates. For if the experience under state and local laws on housing nondiscrimination is any guide, reliance on the individual complaint procedure has negligible impact on existing ghettos, which are at the heart of the nation's segregation problems.

It thus becomes even more imperative that concerned federal agencies exercise their authority and obligation under Title VI of the Civil Rights Act of 1964 to eliminate existing community patterns of housing segregation. Together, the Presidential proposal and the Congressional Title VI mandate can remedy the evil of housing segregation, which has also meant the continuance of slum conditions, segregation of children in public schools, and other unfortunate consequences of ghetto existence.

The End of the Beginning

"The voting rights bill will be the latest, and among the most important, in a long series of victories. But this victory—as Winston Churchill said of another triumph for freedom—'is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning.'

"That beginning is freedom; and the barriers to that freedom are tumbling down. Freedom is the right to share, share fully and equally, in American society—to vote, to hold a job, to enter a public place, to go to school. It is the right to be treated in every part of our national life as a person equal in dignity and promise to all others.

"But freedom is not enough. You do not wipe away the scars of centuries by saying: Now you are free to go where you want, or do as you desire, and choose the leaders you please.

"You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, 'you are free to compete with all the others,' and still justly believe that you have been completely fair.

"Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.

"This is the next and the more profound stage of the battle for civil rights. We seek not just freedom but opportunity. We seek not just legal equity but human ability—not just equality as a right and a theory, but equality as a fact and equality as a result.

"For the task is to give twenty million Negroes the same chance as every other American to learn and grow, to work and share in society, to develop their abilities—physical, mental and spiritual, and to pursue their individual happiness."

PRESIDENT LYNDON B. JOHNSON
at Howard University
June 4, 1965

Introduction

THE historic Civil Rights Act of 1964 includes specific prohibitions on discrimination in voting, public accommodations, public facilities, public education, employment and federally assisted programs. Housing discrimination as such is not mentioned in the 1964 Act. Careful consideration of Title VI of the Act, however, leads to the conclusion that it does directly preclude racial discrimination in the sale and rental of private housing.

Section 601 of Title VI states that: *"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."*

This language does not confer discretionary power on federal agencies; it imposes a compulsory obligation. In his testimony on this section before the Senate Judiciary Committee, former Attorney General Robert F. Kennedy emphasized: "Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial discrimination . . ."[1]

The legal concept of "discrimination" is not static, but one which is evolving continuously as a result of political and judicial develop-

[1] 88th Congress, 1st Session, on S. 1731 and 1750, p. 333.

ment. In 1896, the Supreme Court held that "separate but equal" treatment of the races fulfilled the Constitutional requirements of the Fourteenth Amendment. In 1954, the Court overruled that doctrine, declaring that the separation of the races by government is inherently discriminatory. In 1964, by enactment of Title VI of the Civil Rights Act, the Congress added to the prohibition on racial discrimination the further stipulation that no person "be excluded from participation in" or "be denied the benefits of" any federally assisted program.

To achieve the objective of Title VI, therefore, requires more than a passive federal position with respect to discrimination. Racial discrimination is so deeply embedded in our present-day society that the mere "nondiscriminatory" expenditure of public funds may further entrench and subsidize segregation in public life. For the purposes of Title VI, it is immaterial whether segregated housing patterns result from current practices of racial discrimination not prohibited by law, or reflect past discriminations embodied in today's ghettos. In either case, the Congressional mandate can be fulfilled only by government taking positive steps to eliminate and prevent community patterns of racial segregation, for the perpetuation of discrimination by a failure to remedy it may itself be considered an act of discrimination. Every federally aided program affecting housing should be measured against this affirmative requirement for compliance with Title VI.

This publication demonstrates that the Title VI affirmative requirement applies directly to federally financed urban renewal, highway and other construction and land acquisition programs. These federal programs annually displace from their homes thousands of families, many of whom are forced to relocate in racial ghettos where communities tolerate housing discrimination and establish patterns of segregated housing. Moreover, apart from relocation into segregated housing, it will be shown that the Title VI requirement applies to the entire private housing sector, which is directly benefited by and materially dependent upon the totality of federal assistance programs in the area of community facilities and services.

Yet federal programs affecting housing presently are being administered without adequate safeguards to insure that public funds are not being spent in a fashion which encourages, entrenches, subsi-

dizes or results in racial discrimination. To meet the Title VI requirement, major affirmative changes in policy and administration of federal programs affecting housing are recommended.[2]

Lastly, it is suggested that if federal agencies and metropolitan communities do not move affirmatively to comply with Title VI as it affects racial discrimination in housing, court suits may be filed against both the localities and the federal agencies to enforce compliance. It is to be hoped, however, that litigation will be made unnecessary by the voluntary actions of federal agencies and metropolitan communities to end racial discrimination in housing.

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[2] In applying the Title VI requirement to housing, we do not overlook what is known as the "housing exemption" that Congress wrote into Section 602. That exemption removes federal financial assistance by way of "a contract of insurance or guaranty" from the section authorizing federal agency enforcement of Title VI rights. By this exemption, Congress left unaffected the existing nondiscrimination machinery of the Federal Housing Administration and Veterans Administration home loan guaranty and insurance programs under President Kennedy's Executive Order 11063. In this discussion it is not the exempted federal housing insurance and guaranty programs, but rather the variety of direct federal construction, assistance and loan activities affecting housing with which we are concerned.

I. Housing Displacement Impact of Major Federal Construction Programs

MANY thousands of families are displaced from their homes every year by projects under the Workable Program for Community Improvement[3] and other governmental activities. The major federal assistance programs that force these families to seek other housing are:

(1) Direct construction by government: e.g., highways, schools, public housing, public buildings, and such neighborhood facilities as community or youth centers, health stations and similar public institutions.

(2) Slum clearance, urban redevelopment and renewal.

(3) Acquisition of sites to be used in future construction of public works and facilities.

(4) Acquiring and developing land for recreational, conservation and other public uses, including the purchase and clearance of land in built-up areas for such open-space needs as parks, squares, pedestrian malls, etc.

It is estimated that about *one and a half million Negro Americans* will be displaced from their homes because of these federally financed construction and acquisition activities in the first eight years following

[3] The Workable Program for Community Improvement is the program developed by a local community for the prevention and elimination of slum and blight conditions. To qualify for federal financial and technical assistance in urban redevelopment, each community must have an approved Workable Program that meets the standards of the Department of Housing and Urban Development.

enactment of the 1964 Civil Rights Act.[4] Commenting on housing relocation, the Housing and Home Finance Agency (HHFA) stated:

> "Experience shows that some families displaced from slums and blighted properties have considerable difficulty in finding other accommodations that are decent, safe and sanitary and within their means due to the limited supply of such housing available to them. For personal or similar reasons, others seek housing no better than that found in the slums and blighted area from which they have been displaced . . ."[5]

The HHFA cautioned community officials "to be fully aware of the importance of taking the necessary steps to provide the means for displaced persons to obtain decent housing which they can afford," and then offered the following guidance about the important elements in determining relocation needs:

> "At the time of submission of an initial application for approval of the Workable Program for Community Improvement, the community will be required as a minimum to have made a reliable estimate of the number of families to be displaced during the ensuing two-year period, broken down into four categories of governmental action (i.e., urban renewal, highway construction, code enforcement, and other), *and white and non-white families. (The non-white breakdown may be eliminated for any community in which it is a substantiated fact that all housing resources, public and private, are fully available to all families without regard to race.)* . . ." [Emphasis added.]

Morality aside, this posture was certainly legal when the program

[4] Statistical projections prepared for the Congress (see Table I—Appendix C) show that an estimated 111,080 families and individuals will be displaced annually from their homes during these years by acquisition of real property for federally assisted programs (see 88th Congress, 2nd Session, Committee Print No. 31, House Committee on Public Works, pp. 15, 258). Multiplication of the "family" ingredient in this estimate (64%) by average family size (3.71) reveals that in the eight years between 1964 and 1972 about two million four hundred thousand persons will be displaced. Experience shows that of the persons displaced under these programs approximately three-fifths are nonwhite (see Urban Renewal Administration statistics, Table 3, p. 25, Report of Advisory Commission on Intergovernmental Relations, January, 1965, "Relocation: Unequal Treatment of People and Businesses Displaced by Governments"). It thus appears that about one and a half million Negro citizens will be displaced from their homes under federal and federally assisted programs during the first eight years after the effective date of the 1964 Civil Rights Act.

[5] Workable Program for Community Improvement, Program Guide No. 6, "Answers on Housing for Displaced Families," p. 1, August, 1962, HHFA.

guide was published in August, 1962. However, by the following year, it had begun to be recognized that at least the urban renewal program should require a prohibition on racial discrimination. A federal court had so held,[6] and the Urban Renewal Administration (URA) had issued a public statement on June 25, 1963, banning the listing of segregated housing accommodations by local relocation agencies. This statement recognized that the URA "has a responsibility for seeing" that families displaced by urban renewal *"are assisted in finding housing accommodations that are free from racial or other such restrictions."* Unfortunately, the proposed plan announced in 1963 was never put into effect by the HHFA.

The fact remains that what was a forward-looking proposal in 1963 has become a mandatory requirement under Title VI of the Civil Rights Act in 1964. The great displacement impact of federal construction and acquisition programs chiefly affects the metropolitan communities of the nation, where housing segregation remains a fact of life.

A great number of metropolitan areas benefiting from federal financial assistance presently have no legal prohibitions against racial discrimination in private housing. Almost half of the 30 largest cities in the United States are without such laws covering either the central city or affecting their suburban environs. Three of these cities (Chicago, St. Louis and Washington, D. C.) have housing ordinances which cannot reach the adjacent suburbs. In ten others, neither the central city nor its suburbs are covered by prohibitions against racial discrimination in housing: Atlanta, Baltimore, Dallas, Houston, Kansas City, Memphis, Milwaukee, New Orleans, Phoenix and San Antonio.

In those cities which today do not prohibit housing discrimination, persons displaced by federal programs such as urban renewal and highway construction are *necessarily* subjected to racial discrimination until community patterns are broken by legal prohibitions on segregation. For it is admittedly beyond the capacity of federal agencies to insure that, as a result of federal actions, thousands of displaced families will find adequate housing within the narrow range of choice presently provided by segregated housing practices.

Under the federal highway program, there is no regulation requiring mandatory relocation assistance to the people displaced by eminent domain. Urban renewal regulations do require relocation aid, but up

[6] *Smith* v. *Holiday Inns of America, Inc.*, 220 F. Supp. 1 (D.C. Tenn. 1963).

to this very moment local public agencies are meeting this federal requirement with segregated housing in many communities. Thus, despite the mandatory Title VI guarantee that no one shall "be subjected to discrimination under any program or activity receiving Federal financial assistance," under presently prevailing conditions *most* of the one and a half million Negro citizens estimated to be displaced by federally financed construction and acquisition activities in the eight years following the 1964 Civil Rights Act will be forced to relocate in racial ghettos. There, they will pay a higher proportion of their incomes for accommodations that are smaller, more overcrowded, and of poorer quality than those of the rest of the population.[7]

There can be no question that such programs as federal highway construction and urban renewal are subject to the affirmative requirement of Title VI. These are two of the largest federal assistance programs, with federal money going directly to pay for the acquisition of the land from which citizens are displaced. Thus, Title VI requires an immediate change in policy and administrative practices of the concerned federal agencies to guarantee each displaced family a free choice of housing relocation unhampered by artificial restrictions of race, color or national origin.

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[7] "The Heart of the Matter: More Housing for Negroes," Chester Rapkin, *The Mortgage Banker*, February, 1964.

II. Federal Assistance to Private Housing

PRIVATE housing benefits materially and tangibly from a variety of significant forms of federal financial assistance. Before a house is ever constructed, the builder knows that among the absolute necessities for the marketability of his houses are adequate water and sewers, electricity and access. Beyond these direct necessities is a larger area of vital supporting community services: hospitals, libraries, public schools, recreational services, parks, neighborhood facilities and similar amenities. While not absolutely necessary for the habitability of a dwelling as such, these community facilities and services directly benefit home owners and residents.

The dependency of housing upon the facilities and services of the community in which it is located is a well-recognized principle of the Workable Program for Community Improvement. In preparing a comprehensive community plan under the Workable Program, factual information about community facilities and services, "such as schools, libraries, parks, hospitals, municipal buildings, water systems, storm drainage, sewerage, refuse disposal facilities, other utilities, etc., by locations, areas of service and adequacy" . . . "should be developed so as to clearly reveal existing deficiencies in a community's physical resources . . ."[8] In considering environmental conditions affecting housing code compliance, the HHFA states:

[8] Workable Program for Community Improvement, Program Guide No. 2, "Answers on Comprehensive Community Plan," pp. 2-3, March, 1965, HHFA.

> "The upgrading of housing alone will be largely ineffective unless the other blighting influences in the area are eliminated or corrected. This means the provision of adequate public facilities and services such as water, sewers, streets, lighting, schools, recreational and cultural outlets. It may even mean the planting of trees, shrubs, and grass. It certainly means the elimination or control of detrimental nonresidential land uses such as commercial establishments that are unsightly, noxious or noisy. Heavy traffic along neighborhood streets is another major blighting influence."[9]

The federal government is deeply involved through various programs of federal grants and loans in direct assistance to these community facilities and services. The provision of water and sewer facilities, electricity, public roads, education, health and recreation services, parks and neighborhood facilities is inextricably bound up with massive federal programs of assistance annually aggregating many billions of dollars.

Thus, in fiscal year 1965 alone, the Congress appropriated $365 million to maintain rural electrification, which directly provides electric power for the home owner in areas where commercial utility services are not available. In the same year, the Congress set aside for state and local highway construction more than $3.5 billion. Another $90 million in federal assistance was earmarked for sewer and water facility construction.

An illuminating study of the cumulative interplay of such federal programs, prepared by the HHFA, was published in 1963 by a committee of the United States Senate.[10] That study tabulated the federal programs of assistance in a representative metropolitan area, Atlanta, Georgia, during 1961 and 1962. Table II (see Appendix D), taken from the HHFA tabulation, shows that over $100 million is disbursed annually in this one metropolitan area alone in federal programs of community assistance, most of which are for the direct benefit of home owners and builders.

A. Sewers and Water. Federal programs of assistance to community sewer and water facilities construction directly benefit home owners and builders. Under the federal Water Pollution Control Act,

[9] Workable Program for Community Improvement, Program Guide No. 1, "Answers on Codes and Ordinances," p. 3, January, 1962, HHFA.

[10] Hearings before the Sub-Committee on Intergovernmental Relations, Committee on Government Operations, "Role of the Federal Government in Metropolitan Areas," 87th Congress, 2nd Session, p. 82.

Congress had appropriated $90 million annually in recent years for grants to states and localities to accelerate local programs of waste treatment works construction, including intercepting and outfall sewers, to encourage communities to clean up the waters of the country. This represented about one-fifth of the total construction expenditures by the states and localities for local sewer and water facilities.

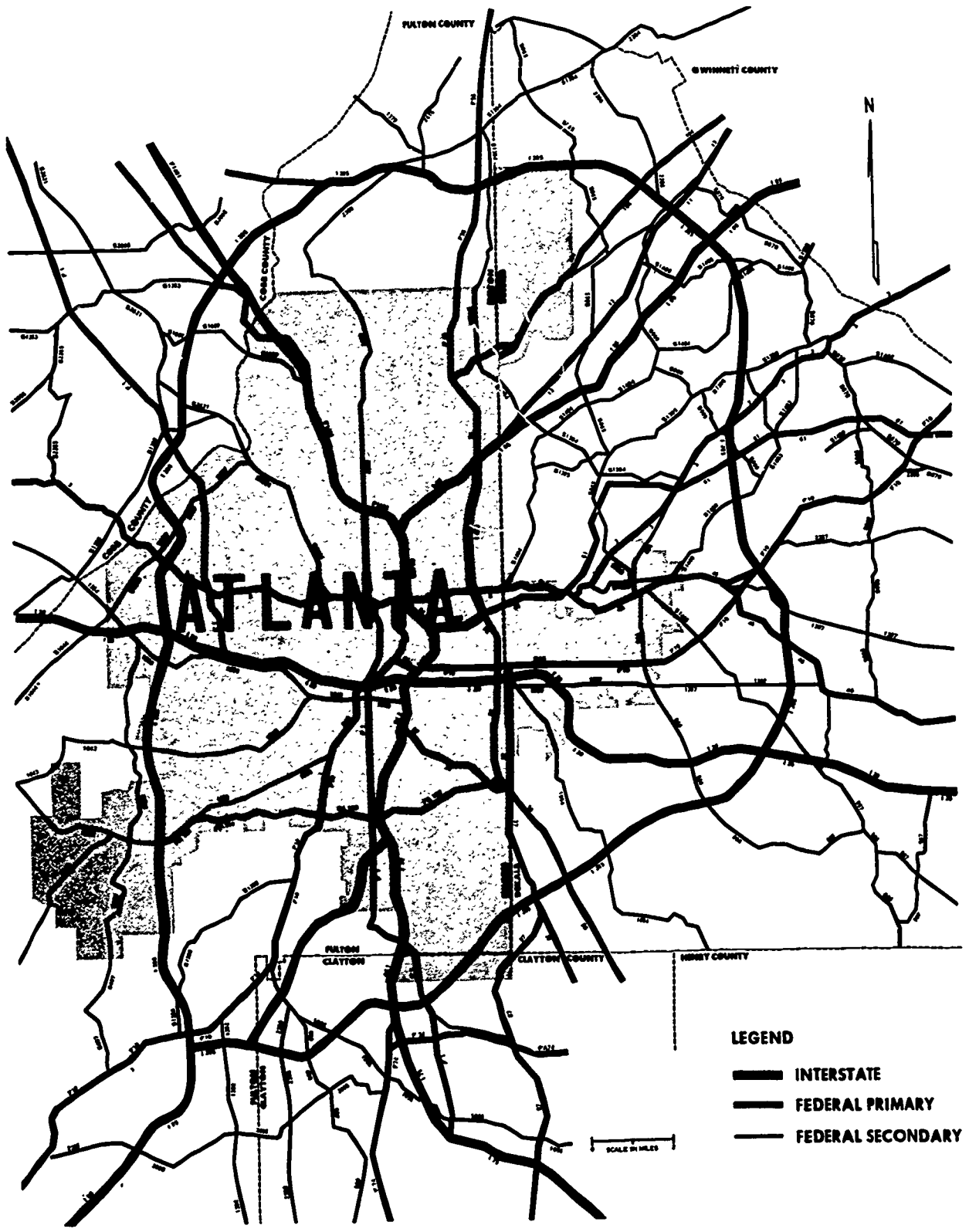
As a representative metropolitan area example, between 1957 and 1965 the Public Health Service of the Department of Health, Education and Welfare allocated over $3 million for waste treatment works construction in Atlanta.

The Housing and Urban Development Act of 1965 established a new program of grants for basic sewer and water facilities, amounting to $800 million over a four-year period. The 1965 amendments to the Consolidated Farmers Home Act similarly established a program of grants for sewer and water facilities in communities under 5,500 population. The Public Works and Economic Development Act of 1965 also opened up a large new source of federal support for sewer and water facilities. These new programs represent significant expansion of federal support for sewer and water facilities directly benefiting the home builders and home owners of the nation.

B. Public Roads. Equally necessary for the construction and use of private housing are adequate access routes. Road construction today is backed by massive federal assistance through the primary, secondary, urban and interstate highway construction programs. These programs, for which Congress expends billions of dollars annually, are particularly significant in the urban and suburban areas of the nation where the pattern of housing development and redevelopment is geared to and dependent upon new road construction. Table III (see Appendix E) indicates the extent of this aid to each of the 50 states and the District of Columbia in the first 10 months of 1965.

The significance of federal participation in the construction of urban access routes and highways may be appreciated from another illustration in the representative Atlanta metropolitan area. From July 1961 through June 30, 1965 the total construction cost of the federally assisted highways in this metropolitan area was approximately $94 million, *$80 million of which was provided by federal funds.* The composite map reproduced here, drawn from Bureau of Public Roads sources, shows highways in the representative metropolitan area receiving federal payments for construction. The briefest examination

FEDERAL ASSISTANCE HIGHWAYS, ATLANTA METROPOLITAN AREA



SOURCE: U.S. Department of Commerce
Bureau of Public Roads
Sept., 11 1965

of that federally assisted network will show how far the housing construction programs of our metropolitan areas are dependent upon urban and suburban roadbuilding.

C. Electric Power. No less a necessity for home use than sewers, water and roads is electric power. For many years the federal government, through the Tennessee Valley Authority and the Rural Electrification Administration, has supported the furnishing of electric power facilities for home owners in areas where commercial development fails to provide adequate service. Thus, hundreds of millions of dollars are annually appropriated by Congress for loans to REA cooperatives by the Rural Electrification Administration of the Department of Agriculture. These cooperatives provide power facilities to more than *20 million people* in the United States.

In the five counties included in the representative Atlanta metropolitan area, electric cooperatives have, since January 1, 1961, invested over $7 million in facilities and have received over $6 million of federal loan assistance for the furnishing of electric power to the people of those counties.

D. Supporting Community Services. The federal government is increasingly and massively involved in supporting community facilities construction in such areas as education, health and recreation. Many millions of dollars annually are provided by the Congress for such facilities, and the federal assistance will continue to increase in view of new legislation Congress recently approved.

The Housing and Urban Development Act of 1965 authorized $25 million annually for four years to public bodies to help finance the acquisition of sites to be used in future construction of public works and facilities. An annual authorization of $50 million for four years was made to public bodies to help finance projects for neighborhood facilities such as community or youth centers, health stations, or similar public buildings. Matching grants were authorized to assist localities in programs of beautification and improvement of open-space and other public lands, including such things as street landscaping, park improvements, tree planting, and upgrading of malls and squares. Grants to states and local agencies to cover up to half the cost of acquiring and developing land for recreational, conservation and other public uses were increased from $75 million to $310 million. The Act also authorized the purchase and clearance of land in built-up areas for such open-space needs as parks, squares, playgrounds and pedestrian malls.

These programs are less directly involved in assisting the home builder or owner than are programs providing electric power, public roads, and sewer and water facilities. Nevertheless, it is undeniable that the home builder or owner in many cases is receiving benefits "*under* any program or activity receiving federal financial assistance" as a result of federally aided community development.

E. Direct Federal Assistance to Private Housing. The Housing and Urban Development Act of 1965 initiated a major new program of federal rent supplements to provide a large volume of private housing within the means of low-income families. It is expected to generate some 375,000 units of nonprofit, cooperative, or limited dividend housing over the next four years by attracting private capital into the housing market for low-income families. The Act authorized $30 million for rent supplement payments in fiscal year 1966, and additional amounts of $35 million in fiscal 1967, $40 million in 1968, and $45 million in 1969.

The Act also authorized grants to enable low-income home owners in urban renewal areas, whose homes are required to be rehabilitated, to improve their homes and remain in them rather than be relocated elsewhere. Also authorized was a new program of low-rent housing in units leased in privately-owned existing structures to supplement the housing assisted under other provisions of the public housing law.

When private housing is directly assisted by federal grants, there can be no question that it is subject to the affirmative requirement of Title VI of the 1964 Civil Rights Act. Similarly, when private housing benefits from federally assisted programs of community development, either directly through the provision of such necessities as water and sewers, electricity and public roads, or less directly through supporting community facilities and services, such housing similarly should be available on a nondiscriminatory basis.

The principal point here is the pervasiveness of direct and indirect federal assistance to private housing, which is so materially dependent upon the totality of federally aided community facilities and services. The fact that federal support is funneled through state and local governments now legally requires these jurisdictions to provide the concerned federal agencies with affirmative assurances required by Title VI that "no person in the United States shall . . . be excluded from . . . denied the benefits of . . . or be subjected to discrimination under . . ." any of these federal programs of assistance to private housing.

III. Metropolitan Housing Desegregation

It should be evident that families displaced by federal programs of construction and land acquisition are necessarily subjected to discrimination unless they are guaranteed a free choice of housing relocation unhampered by artificial restrictions of race, color or national origin. It should be equally clear that the Title VI affirmative requirement applies to the entire private housing sector, which is so materially dependent upon the pervasiveness of direct and indirect federal assistance. It follows, therefore, that Title VI affirmatively requires each community participating in federal programs affecting housing *to prohibit housing discrimination by law as a pre-condition for federal financial assistance.*

The prohibition of housing discrimination by law as a precondition for federal financial assistance also applies to states that participate in federally assisted highway construction. Highway construction transcends community boundaries, as does the displacement and relocation resulting from such land acquisition and construction. Federal grants for highway construction are made directly to state governments, which administer the programs within their borders. Thus, states benefiting from this federal program are similarly subject to the Title VI guarantee of nondiscrimination in housing.

The requirement of an enactment of law as a condition of federal aid is an established principle of federal-state relations. The Workable Program for Community Improvement requires by regulation the adoption of zoning ordinances and modern building, plumbing, electrical and housing codes for certification, as well as effective enforce-

ment of codes, a planned systematic housing code compliance program and accurate reporting on compliance activity, including "a showing that there is a reasonable use of appropriate local resources in terms of inspectors and funds needed to enforce compliance with the codes."[11] A similar regulatory requirement for enactment and enforcement of a housing nondiscrimination law would seem equally reasonable.

Laws against housing discrimination will not, of themselves, achieve the affirmative purpose of Title VI. Many states and communities having such laws still expend public funds, of which federal payments often are the major share, in a fashion which continues to encourage, entrench and subsidize housing segregation. However, an anti-discrimination law is the fundamental base for projection of affirmative action to eliminate and prevent community patterns of racial segregation in housing.

To achieve this objective, considering the complexities of present-day urban development and the multiplicity of federal programs affecting housing, careful, comprehensive planning is required, as was so succinctly stated by Housing Administrator Robert C. Weaver (now Secretary of Housing and Urban Development):

> "Without a comprehensive community plan to point the way to successful urban growth and renewal, a locality is in much the same position as the fabled gentleman who mounted his horse and rode off in all directions. Unless it knows what it is striving to achieve, the community will find itself strangled with haphazard growth in every direction. In this uncharted maze, the solution to one problem frequently compounds another problem.
>
> "A properly-drawn, comprehensive community plan recognizes not only the problems of the locality, but how these problems—and their solution—are related to those of the entire area or region, since the complexities of urban growth and blight do not respect jurisdictional boundaries."[12]

Several suggestions for metropolitan planning for housing desegregation grow out of this observation First, any comprehensive plan for federally assisted urban development and renewal should now include the positive steps to be taken to eliminate and prevent community patterns of racial segregation in housing. Secondly, such com-

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[11] *Op cit.*, Program Guide No. 1, p. 1.

[12] *Op. cit.*, Program Guide No. 2, Introduction.

prehensive plans should be required of every federally assisted program involving housing.

Thirdly, since housing is affected by the interplay of a number of different federally assisted programs, the various federal agencies involved should act jointly to issue a comprehensive regulation requiring the state or the affected community to furnish an overall plan as to how the combination of programs under consideration for federal funding will contribute toward eliminating and preventing community patterns of racial segregation in housing. As presently administered, each such federally assisted program is independent and the requirements for compliance are different—sometimes even conflicting. Insofar as these programs affect housing, it would seem reasonable and logical for all concerned federal agencies to strive toward a mutual objective, and to coordinate enforcement of such a comprehensive regulation.

Lastly, neither housing discrimination nor the many other problems of urban development can be solved effectively within the confines of community jurisdictional boundaries. As described by the HHFA:

> "No community is an island unto itself. Its economy is tied in with the economy of the area of which it is a part. This applies to communities in metropolitan areas as well as to those in agricultural or rural areas. Transportation, water resources, waste disposal, air pollution, police and fire protection, and even slums and blight have no respect for jurisdictional boundaries. It is wasteful to consider them on a piecemeal basis. It is, therefore, an appropriate exercise of local responsibility under its Workable Program for each community to participate in planning and in solving common problems with its neighboring jurisdictions where possible, and to foster the formation of planning agencies that can operate on an area-wide or regional basis. . . . Also, some communities are authorized by state law to extend their planning jurisdiction into the unincorporated areas beyond their limits and to exercise certain controls over such areas.
>
> "Not only are metropolitan areas and regional planning agencies eligible for grants under the Urban Planning Assistance Program, but the HHFA Administrator is directed under this Program to 'encourage cooperation in preparing and carrying out plans among all interested municipalities, political subdivisions,

public agencies, and other parties in order to achieve coordinated development of entire areas'."[13]

Existing community patterns of housing segregation will yield most readily to regional planning of this broad perspective. Insofar as federally assisted programs affecting housing transcend jurisdictional boundaries, Title VI should be construed to affirmatively require that the elimination of housing segregation be made part of such comprehensive regional planning.

Citizen Participation

"A successful long-term Workable Program depends in large measure upon active participation by local citizens. Every citizen benefits in some degree from the Program and every citizen has something to contribute to it. The citizen participation requirement of the Workable Program provides a means whereby citizens can come to understand the Program benefits and can make a positive contribution so that a Program can be planned and carried out to meet their needs and command their support . . .

"Experience has demonstrated that effective citizen participation over the extended period necessary to carry out a successful Workable Program is based on an active citizens advisory committee that is community-wide and representative in scope, officially designated by the mayor and/or council, in accordance with local custom. The designation of such a committee is a Workable Program requirement. Also because of the almost universal difficulty in communities over the country in making adequate housing available to minority groups, it is generally expected that there will be established a subcommittee or special committee on minority group housing. Both the overall advisory committee and the minority group subcommittee or special committee should have minority group representation."[14]

Recognizing as it does "the almost universal difficulty in communities over the country in making adequate housing available to minority groups," the suggestion of a citizens advisory committee would seem particularly appropriate to help develop objectives and goals in community planning for housing desegregation. Therefore, any com-

[13] *Ibid.*, pp. 4-5.

[14] Workable Program for Community Improvement, Program Guide No. 7, "Answers on Citizen Participation," p. 1, November, 1964, HHFA.

prehensive plan for federally assisted urban development and renewal should provide for a citizens advisory committee, with adequate minority representation. Similarly, where several federal agencies involved in programs affecting housing adopt a comprehensive regulation, it should include provision for a citizens advisory committee. The committee should concentrate on the objective of eliminating and preventing community patterns of housing segregation, and its primary functions should be the same as described below for the Workable Program:

(1) "to learn about the nature and extent of deficiencies and the means and methods for remedying them;

(2) "to make recommendations for improvement; and

(3) "to help inform other citizens and groups as to the need for the improvements and thus develop united community understanding of this need."[15]

[15] *Ibid.*, p. 2.

IV. An Affirmative Program for Housing Desegregation

GUNNAR MYRDAL suggested three principal factors that could explain the prevalence of residential segregation: free choice, poverty, and discrimination. Karl Taeuber, through the application of his segregation index, demonstrated that neither free choice nor poverty is a sufficient explanation for the universally high degree of segregation in American cities. "Discrimination is the principal cause of Negro residential segregation, and there is no basis for anticipating major changes in the segregated character of American cities until patterns of housing discrimination can be altered."[16]

To meet the Title VI requirement of federal financial assistance that does not encourage, entrench, subsidize or result in racial discrimination in housing, the following are suggested elements of an Affirmative Program for Housing Desegregation:

A. Fair Housing Law.

(1) Whenever federally assisted programs of land acquisition or construction cause persons to be dislocated from their homes, or

(2) whenever federal assistance programs materially benefit private housing through the development of community facilities and services,

one qualification for participation in such federally assisted programs

[16] "Residential Segregation," Karl E. Taeuber, *Scientific American*, Vol. 213, No. 2, pp. 12-19, August, 1965.

shall be the enactment by the state and affected political subdivision of laws prohibiting racial discrimination in the sale or rental of private housing, with suitable administrative machinery for enforcement.

B. Comprehensive Community Plan.

(1) Any comprehensive plan for federally assisted urban development and renewal shall now include detailed information as to how the project will contribute toward eliminating and preventing community patterns of racial segregation in housing, and

(2) such a comprehensive plan shall be required by every federally assisted program causing housing dislocations or providing financial aid to community facilities and services, and

(3) where multiple jurisdictions are involved in such federally assisted programs, all concerned municipalities, political subdivisions and public agencies shall be required to achieve coordinated regional planning for the elimination of housing segregation.

C. Federal Agency Coordination.

(1) Where housing dislocation and assistance to private housing through community development involves the interplay of a number of different federal programs, the responsible federal agencies shall jointly issue a comprehensive regulation requiring the state or affected political subdivision to furnish an overall plan as to how the combination of projects under consideration will mutually contribute toward eliminating and preventing community patterns of racial segregation in housing, and

(2) the various agencies involved shall designate a responsible authority to coordinate overall enforcement of such a comprehensive regulation, and

(3) approval of any one program governed by the comprehensive regulation shall be withheld by the coordinating authority until all affected programs are in compliance.

(4) The agencies most directly concerned are:

(a) The Department of Housing and Urban Development,

(b) the Bureau of Public Roads and the Economic Development Administration of the Department of Commerce,

(c) the Public Health Service and the U. S. Office of Education of the Department of Health, Education and Welfare, and

(d) The Rural Electrification Administration and the Farmers Home Administration of the Department of Agriculture.

D. Citizen Participation.

(1) Any comprehensive plan for federally assisted urban development and renewal, and any comprehensive regulation adopted jointly by federal agencies, shall provide for a citizens advisory committee, with appropriate minority representation, and

(2) the primary function of the citizens advisory committee shall be to help achieve the objective of eliminating and preventing community patterns of housing segregation.

(3) The administering federal agency shall hold a public hearing prior to the approval of any comprehensive plan, and

(4) all such approved plans shall be available for public inspection on request to the administering federal agency.

E. Effective Date.

The Civil Rights Act was signed into law on July 2, 1964, and therefore the Title VI requirement applies to all federally assisted programs after that date. As many of the above elements as feasible shall be applied to the particular stage of development of each existing federally financed program affecting housing, and all shall be applied to all new programs.

This is not intended to be an all-inclusive list of remedies. Bold and imaginative administrators, determined to achieve The Great Society envisioned by President Johnson and endorsed by the Congress, undoubtedly will find many other affirmative ways to implement the Title VI requirement that programs they oversee will not encourage, entrench, subsidize or result in racial discrimination in housing.

V. Legal Enforcement of Title VI Obligations in Housing

THE process of change cannot and will not be painless. Some states and communities may conceivably choose to forego urban renewal, highway aid, water and sewer construction grants and similar federal assistance programs rather than comply affirmatively with Title VI by adopting a general requirement of housing desegregation and moving toward the elimination and prevention of community patterns of racially segregated housing. But the Congressional requirement is express and mandatory. Under that requirement, such agencies as the Urban Renewal Administration and the Bureau of Public Roads should now take affirmative action in states and communities receiving their assistance which continue to tolerate housing segregation.

In resorting to available remedies to enforce the affirmative requirement of Title VI in the area of housing, the preferred method is, of course, that provided by the statute itself. In Section 602 of the Act, Congress has spelled out procedures by which federal agencies should move to assure equal rights and benefits in the programs to which they provide assistance.

Of course, states and communities need not and should not await the compulsion of federal agency action. Major metropolitan communities in the United States where housing segregation presently is not prohibited in *both* the city *and* its adjacent suburbs include Atlanta, Baltimore, Chicago, Dallas, Houston, Kansas City, Memphis, Milwaukee, New Orleans, Phoenix, St. Louis, San Antonio and Wash-

ington, D. C. About three million Negro citizens living in these metropolitan areas presently are denied the right to desegregated housing in their communities. For these citizens the continuance of housing segregation also means continuance of slum conditions, segregation of their children in the public schools, and other unfortunate consequences of ghetto existence.

But if voluntary community action is not forthcoming, and federal agencies do not fulfill their obligations under Title VI in the area of housing, there remains the possibility of litigation brought by Negro citizens to enforce their rights under Section 601 of the Act. That section creates direct rights for minority citizens in its guarantee that "no person in the United States shall on the ground of race . . . be excluded from participation in, be denied the benefits of, or be subjected to discrimination under . . ." any federally assisted program.[17]

While Title VI does not expressly establish judicial power to secure Section 601 rights on behalf of injured citizens, a right of judicial relief is implicit in the Congressional enactment of the substantive right itself, under the established doctrine that *courts will presume judicial power to secure the federal statutory rights of a protected class.* The legal basis of this principle is discussed fully in Appendix A.

Under this doctrine, it is clear that when federal agencies fail to secure the rights of injured citizens under Section 601, such citizens may sue those agencies in federal court to require them to take remedial protective action. Congress, in Section 601, has put federal agency assistance to racial discrimination beyond agency power, and has made it a violation of individual rights to subject any person to discrimination under a federally assisted program. It follows that courts have the power to protect this statutory right in accordance with this established doctrine.

Thus, if the communities and the federal agencies should continue to fail to meet their Title VI obligations, judicial remedies are available to enforce the housing desegregation requirement of the 1964 Civil Rights Act.

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[17] One federal court has already held that Title VI gives Negro citizens rights against discrimination in a federally assisted program. In *Lemon* v. *Bossier Parish School Board,* 240 F. Supp. 709, the United States District Court in Louisiana ruled that Negro children attending schools supported by federal funds "are recipients of the rights conferred by Section 601, and as such are entitled to bring this suit to require desegregation of the federally assisted schools."

Appendix A

The Doctrine of Implied Judicial Power To Secure Federal Statutory Rights

Title VI of the 1964 Civil Rights Act does not specifically provide for suits by persons denied the rights granted in Section 601. But that section does provide that "no person in the United States shall on the ground of race . . . be excluded from participation in, be denied the benefits of, or be subjected to discrimination under . . ." any federally assisted program. Accordingly, under the established doctrine that courts will presume judicial power to secure federal statutory rights, the availability of judicial relief is implicit in the Congressional enactment of the substantive right itself.

That principle was firmly established by the Supreme Court's 1944 decision in *Steele* v. *Louisville & Nashville R.R. Co.*, 323 U.S. 192, recognizing judicial power to enforce rights against racial discrimination found in the Railway Labor Act, though Congress had not expressly provided a judicial remedy. Recently, the Supreme Court emphatically reaffirmed that principle with the emphasis that "this Court cannot lightly infer that Congress does not intend judicial protection of rights it confers against [federal] agency action . . ." *Leedom* v. *Kyne*, 358 U.S. 184, 190.[18]

[18] The principle applies even to criminal statutes. As stated in the opinion of Judge Hand for the Second Circuit with respect to one federal criminal enactment: "Although the Act does not expressly create any civil liability, we can see no reason why the situation is not within the doctrine which, in the absence of contrary implications, construes a criminal statute, enacted for the protection of a specified class, as creating a civil right in members of the class, although the only express sanctions are criminal." *Reitmeister* v. *Reitmeister*, 162 F 2d, 691, 694.

Even before the *Steele* decision, the Supreme Court had found an implied right of judicial suit to vindicate federal statutory rights where Congress had failed to prescribe a judicial remedy as such. See, e.g., *Texas & New Orleans R. Co.* v. *Brotherhood of Railway & S. S. Clerks,* 281 U.S. 548, 549; *American School of Magnetic Healing* v. *McAnnulty,* 187 U.S. 94; *Virginian R. Co.* v. *System Federation,* 300 U.S. 515.

In *Steele,* that rule was applied where a federal right against racial discrimination was found by the Court to inhere in the Railway Labor Act against the union which is the statutory representative of the class or craft of workers. Although Congress had provided administrative relief before the Railroad Adjustment Board through an individual grievance proceeding, the Supreme Court ruled (p. 206) that: "We cannot say that there is an administrative remedy available to petitioner or that resort to such proceeding in order to secure a possible administrative remedy . . . is prerequisite to relief in equity." And the Court went on to uphold the availability of judicial relief for Negro workers to enforce this federal statutory right against racial discrimination:

> "In the absence of any available administrative remedy, the right here asserted, to a remedy for breach of the statutory duty of the bargaining representative to represent and act for the members of a craft, is of judicial cognizance. That right would be sacrificed or obliterated if it were without the remedy which courts can give for breach of such a duty or obligation and which it is their duty to give in cases in which they have jurisdiction . . . there can be no doubt of the justiciability of these claims. As we noted in *General Committee* v. *Missouri-Kansas-Texas R. Co.,* supra 320 U.S. 331, the statutory provisions which are in issue are stated in the form of commands. For the present command there is no mode of enforcement other than resort to the courts, whose jurisdiction and duty to afford a remedy for a breach of statutory duty are left unaffected. The right is analogous to the statutory right of employees to require the employer to bargain with the statutory representative of a craft, a right which this Court has enforced and protected by its injunction in *Texas & N. O. R. Co.* v. *Brotherhood of Railway & S. S. Clerks,* supra, 281 U.S. 556, and in *Virginian R. Co.* v. *System Federation,* supra, 300 U.S. 548, and like it is one for which there is no available administrative remedy.
>
> "We conclude that the duty which the statute imposes on a

union representative of a craft to represent the interests of all its members stands on no different footing and that the statute contemplates resort to the usual judicial remedies of injunction and award of damages when appropriate for breach of that duty."

The rule explained and emphasized in *Steele* has subsequently been applied by the Supreme Court on numerous occasions to uphold judicial protection of federal statutory rights even in the absence of any express statutory provision authorizing judicial action. See, e.g., *Graham* v. *Brotherhood,* 338 U.S. 232; *Conley* v. *Gibson,* 355 U.S. 41; *Greene v. McElroy,* 360 U.S. 474.

Thus, in a recent summary of the principle, the Supreme Court stated that "generally, judicial relief is available to one who has been injured by an act of a Government official which is in excess of his express or implied [statutory] powers." *Harmon* v. *Brucker,* 355 U.S. 579, 581.

Moreover, the rule was recently applied by the Supreme Court in *Leedom* v. *Kyne,* 358 U.S. 184, even in a situation where Congress had established a remedial administrative procedure, the Court ruling that in case of a *clear statutory violation* by a federal agency, judicial review is mandatory. The Court provided the following significant explanation of its ruling:

"This case, in its posture before us, involves 'unlawful action of the Board [which] has inflicted an injury on the [respondent].' Does the law, 'apart from the review provisions of the Act,' afford a remedy? We think the answer surely must be yes. This suit is not one to 'review,' in the sense of that term as used in the Act, a decision of the Board made within its jurisdiction. Rather it is one to strike down an order of the Board made in excess of its delegated powers and contrary to a specific prohibition in the Act. Section 9 (b) (1) is clear and mandatory. It says that, in determining the unit appropriate for the purposes of collective bargaining, 'the Board *shall not* (1) decide that any unit is appropriate for such purposes if such unit includes both professional employees and employees who are not professional employees unless a majority of such professional employees vote for inclusion in such unit.' [Emphasis added.] Yet the Board included in the unit employees whom it found were not professional employees, after refusing to determine whether a majority of the professional employees would 'vote for inclusion in such unit.'

Plainly, this was an attempted exercise of power that had been specifically withheld. It deprived the professional employees of a 'right' assured to them by Congress. Surely, in these circumstances, a Federal District Court has jurisdiction of an original suit to prevent deprivation of a right so given.

"*In Texas & New Orleans R. Co.* v. *Brotherhood of Railway & S. S. Clerks,* 281 U.S. 548, 549, it was contended that, because no remedy had been expressly given for redress of the Congressionally created right in suit, the Act conferred 'merely an abstract right which was not intended to be enforced by legal proceedings.' Id. 281 U.S. at page 558. This Court rejected that contention. It said: 'While an affirmative declaration of duty contained in a legislative enactment may be of imperfect obligation because not enforceable in terms, a definite statutory prohibition of conduct which would thwart the declared purpose of the legislation cannot be disregarded . . . If Congress intended that the prohibition, as thus construed, should be enforced, the courts would encounter no difficulty in fulfilling its purpose . . . The definite prohibition which Congress inserted in the Act can not therefore be overridden in the view that Congress intended it to be ignored. As the prohibition was appropriate to the aim of Congress, and is capable of enforcement, the conclusion must be that enforcement was contemplated.' Id, 281 U.S. at pages 568, 569. And compare *Virginian R. Co.* v. *System Federation,* 300 U.S. 515.

"In *Switchmen's Union of North America* v. *National Mediation Board,* 320 U.S. 297, this Court held that the District Court did not have jurisdiction of an original suit to review an order of the National Mediation Board determining that all yardmen of the rail lines operated by the New York Central system constituted an appropriate bargaining unit, because the Railway Labor Board had acted within its delegated powers. But in the course of that opinion the Court announced principles that are controlling here. 'If the absence of jurisdiction of the federal courts meant a sacrifice or obliteration of a right which Congress had created, the inference would be strong that Congress intended the statutory provisions governing the general jurisdiction of those courts to control. That was the purport of the decisions of this court in *Texas & New Orleans R. Co.* v. *Brotherhood of Railway & S. S. Clerks,* 281 U.S. 548, and *Virginian R. Co.* v. *System Federation No. 40,* 300 U.S. 515. In those cases it was apparent

that but for the general jurisdiction of the federal courts there would be no remedy to enforce the statutory commands which Congress had written into the Railway Labor Act. The result would have been that the 'right' of collective bargaining was unsupported by any legal sanction. That would have robbed the Act of its vitality and thwarted its purpose.' Id, 320 U.S. at page 300.

"Here, differently from the *Switchmen's* case, 'absence of jurisdiction of the federal courts' would mean 'a sacrifice or obliteration of a right which Congress' has given professional employees, for there is no other means, within their control (*American Federation of Labor* v. *National Labor Relations Board,* supra), to protect and enforce that right. And 'the inference [is] strong that Congress intended the statutory provisions governing the general jurisdiction of those courts to control.' 320 U.S. at page 300. This Court cannot lightly infer that Congress does not intend judicial protection of rights it confers against agency action taken in excess of delegated powers. Cf. *Harmon* v. *Brucker,* 355 U.S. 579; *Stark* v. *Wickard,* 321 U.S. 288; *American School of Magnetic Healing* v. *McAnnulty,* 187 U.S. 94."

Congress in Section 601 has put federal agency assistance to racial discrimination beyond agency power, and made it a violation of individual rights to subject any person to discrimination under a federally assisted program.[19] Accordingly, courts have power to protect those statutory rights in accordance with the established doctrines reviewed above—that agency action in excess of power *(Harmon),* contrary to Congressional limitations *(Leedom, McElroy)* or in violation of statutory rights *(Steele),* requires federal courts to provide judicial relief to the injured citizen. Particularly is this so, as the Supreme Court has emphasized *(Steele),* where Congress has provided no formal or adequate administrative remedy to the injured citizen.

In sum, it is clear that where federal agencies have failed to secure their rights under Section 601, injured citizens may sue those agencies in federal court to require them to take remedial protective action.

[19] There is no legislative history which precludes the result suggested. The only Congressional effort to provide specifically for suit by injured citizens to enforce Section 601 rights was incorporated in a substitute to Title VI originally offered by Senators Ribicoff and Keating. However, when the Administration provided a new draft of that Title, the Senators withdrew their substitute (see 110 Cong. Rec. 7065) and thus there was neither a vote nor any discussion on the issue of individual suits to enforce Section 601 rights.

Appendix B

The Civil Rights Act of 1964

Title VI—Nondiscrimination in Federally Assisted Programs

Sec. 601. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Sec. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other

recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: Provided, however, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

Sec. 603. Any department or agency action taken pursuant to section 602 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with section 10 of the Administrative Procedure Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section.

Sec. 604. Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

Sec. 605. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

Appendix C

TABLE I

Families and Individuals Displaced by Federal and Federally Aided Programs: Average Yearly Number of Displacements in Past and Estimated for Future

AGENCY	AVERAGE DISPLACEMENT PER YEAR	
	Past	Future (Est.)
Direct Federal Programs		
Agriculture Department	5	2
Defense Department	1,646	3,243
General Services Administration	278	538
Interior Department	140	583
International Boundary and Water Commission	19	237
Post Office Department	199	149
Tennessee Valley Authority	64	124
Federally Assisted Programs		
Bureau of Public Roads	32,395	36,770
Housing and Home Finance Agency		
Public Housing Administration	4,155	3,166
Urban Renewal Administration	34,033	66,250
Interior Department	19	10
Total (Rounded)		
Direct Federal	2,350	4,880
Federally Assisted	70,570	106,200
	72,920	111,080

SOURCE: U. S., Congress, House, **Study of Compensation and Assistance for Persons Affected by Real Property Acquisition in Federal and Federally Assisted Programs**, printed for use of Committee on Public Works, 88th Cong., 2nd Sess., 1964, p. 272.

Appendix D

TABLE II

Federal Programs in the Atlanta Metropolitan Area *

PROGRAM AND AGENCY	AUTHORIZATIONS (in thousands of dollars) 1961	1962
Grant and Matching Fund Programs		
Department of Commerce		
Bureau of Public Roads		
Primary Road Construction	772.6	2,165.0
Secondary Road Construction	27.2	5.0
Urban Road Construction	265.9	1,921.9
Interstate Highway Construction	15,197.6	25,696.7
Department of Health, Education and Welfare		
Office of Education		
Payments to School Districts	818.6	954.8
Public Health Service		
Hospital Construction	1,261.3	1,791.8
Waste Treatment Works Construction	316.4	120.7
Air Pollution Research Grants	83.0	53.1
Water Pollution Research Grants	....	19.1
Health Facility Construction Grants	19.6	46.3
Housing and Home Finance Agency		
Urban Renewal Administration		
Title I Renewal Grants	492.0	1,839.0
Loan and Advance Loan Programs		
Department of Agriculture		
Rural Electrification Administration		
Loans to Electric Facilities	1,400.0	....
Farmers Home Administration		
Rural Housing Loans	10.9	65.5
Housing and Home Finance Agency		
Community Facilities Administration		
Advances for Public Works Planning	20.0	33.0
Veterans Administration		
Direct Housing Loans	194.9	98.6
Insuring and Leaseback Programs		
Post Office Department		
Leaseback Construction Facilities	96.0	978.0
Department of Agriculture		
Farmers Home Administration		
Insured Farmownership Loans	....	33.9
Housing and Home Finance Agency		
Community Facilities Administration		
College Housing Loans	1,990.0	....
Federal Housing Administration		
Insured Housing Loans	67,931.0	66,355.0
Public Housing Administration		
Public Housing Construction	1,639.7	1,792.1
Veterans Administration		
Insured Housing Loans	15,354.2	9,806.8
TOTAL	107,840.9	113,776.8

* The Atlanta Standard Metropolitan Statistical Area consists of Clayton, Cobb, DeKalb, Fulton and Gwinnett Counties.

SOURCE: U.S. Congress, Senate, **Role of the Federal Government in Metropolitan Areas**, hearings before the Sub-Committee on Intergovernmental Relations, Committee on Government Operations, 87th Cong., 2nd Sess., 1963, p. 82.

Appendix E

TABLE III

Federally Assisted Highway Construction Contracts Awarded By State Highway Departments [1]

January — October 1965

(In thousands of dollars)

CONTRACTS FINANCED PARTIALLY OR ENTIRELY WITH FEDERAL FUNDS

STATE	INTERSTATE SYSTEM CONTRACTS			OTHER FEDERAL-AID CONTRACTS			FORCE ACCOUNT			NUMBER OF CONTRACTS	TOTAL		
	COST	FEDERAL FUNDS	MILES	COST	FEDERAL FUNDS	MILES	COST	FEDERAL FUNDS	MILES		COST	FEDERAL FUNDS	MILES
Alabama	29,674	25,110	20	20,916	10,824	165	990	482	36	134	51,580	36,416	221
Alaska	—	—	—	25,898	24,624	279	—	—	—	29	25,898	24,624	279
Arizona	40,007	37,561	112	16,929	13,194	154	—	—	—	65	56,936	50,755	266
Arkansas	35,089	31,522	34	16,021	8,727	220	—	—	—	106	51,110	40,249	254
California	226,253	204,590	181	85,412	52,816	128	—	—	—	194	311,665	257,406	309
Colorado	15,311	13,981	55	20,186	11,501	185	—	—	—	103	35,497	25,482	240
Connecticut	15,796	12,733	2	8,796	4,147	13	—	—	—	53	24,592	16,880	15
Delaware	12,864	11,576	2	8,891	4,462	56	—	—	—	27	21,755	16,038	58
Florida	33,669	30,154	28	18,593	9,607	138	—	—	—	57	52,262	39,761	166
Georgia	58,323	51,130	86	33,049	16,781	344	—	—	—	116	91,372	67,911	430
Hawaii	10,525	9,354	1	2,698	1,192	7	—	—	—	12	13,223	10,546	8
Idaho	7,857	7,294	64	8,944	5,677	76	—	—	—	33	16,801	12,971	140
Illinois	81,017[2]	72,509	56	49,450[2]	25,077	401	4,019	3,587	—	422	134,486	101,173	457
Indiana	35,097	31,573	46	23,606	11,282	44	59	41	—	94	58,762	42,896	90
Iowa	36,320	31,262	63	33,038	16,886	645	—	—	—	249	69,358	48,148	708
Kansas	8,280	7,238	7	27,726	13,958	397	642	323	53	205	36,648	21,519	457
Kentucky	17,688	16,006	21	16,544	9,495	50	—	—	—	55	34,232	25,501	71
Louisiana	53,943	48,512	34	14,599	7,528	101	—	—	—	42	68,542	56,040	135
Maine	17,730	15,956	86	7,340	3,669	47	54	54	1	51	25,124	19,679	134
Maryland	11,408	10,267	7	6,573	3,790	19	—	—	—	35	17,981	14,057	26
Massachusetts	49,159	44,137	31	17,401	8,696	16	—	—	—	36	66,560	52,833	47
Michigan	75,147	65,917	79	55,183	27,557	575	25	13	—	230	130,355	93,487	654
Minnesota	52,664[2]	46,464	67	22,539[2]	11,018	583	3,274	2,942	6	299	78,477	60,424	656
Mississippi	29,130[2]	25,885	42	22,729[2]	11,611	332	687	440	—	127	52,546	37,936	374

Missouri	29,735	26,761	36	25,190	12,640	103	—	—	—	86	54,925	39,401	139
Montana	17,810[2]	16,456	54	22,126[2]	13,597	233	24	14	—	85	39,960	30,067	287
Nebraska	24,705	22,265	58	13,170	6,638	298	674	337	36	204	38,549	29,240	392
Nevada	13,567	12,270	37	5,924	5,231	69	—	—	—	19	19,491	17,501	106
New Hampshire	11,195	10,066	9	7,869	4,097	26	—	—	—	26	19,064	14,163	35
New Jersey	29,082[2]	25,117	9	19,462[2]	10,721	30	1,084	952	—	59	49,628	36,790	39
New Mexico	37,485	34,287	174	11,666	8,098	147	—	—	—	46	49,151	42,385	321
New York	162,635	147,924	106	81,549	38,204	123	—	—	—	156	244,184	186,128	229
North Carolina	6,161	5,545	18	25,356	13,319	157	—	—	—	68	31,517	18,864	175
North Dakota	10,923	9,989	30	14,683	7,898	881	67	37	7	126	25,673	17,924	918
Ohio	183,526[2]	163,647	109	40,750[2]	19,706	84	1,907	1,382	—	135	226,183	184,735	193
Oklahoma	19,009	17,139	18	19,881	10,734	152	—	—	—	179	38,890	27,873	170
Oregon	27,159	25,053	31	21,915	11,001	261	—	—	—	122	49,074	36,054	292
Pennsylvania	112,382	100,862	112	55,826	29,057	108	—	—	—	72	168,208	129,919	220
Rhode Island	12,646	11,381	7	8,234	4,116	7	—	—	—	15	20,880	15,497	14
South Carolina	24,603	22,253	33	17,700	8,714	532	—	—	—	124	42,303	30,967	565
South Dakota	15,168[2]	13,680	30	18,476[2]	9,986	458	347	221	14	132	33,991	23,887	502
Tennessee	30,674	27,607	72	25,707	12,853	303	37	18	—	112	56,418	40,478	375
Texas	108,103[2]	91,044	164	61,784[2]	30,693	745	130	101	—	209	170,017	121,838	909
Utah	23,407	22,122	42	6,190	5,153	43	—	—	—	46	29,597	27,275	85
Vermont	14,140	12,681	27	6,930	3,499	27	—	—	—	30	21,070	15,180	54
Virginia	80,734	72,583	71	28,747	14,658	144	—	—	—	132	109,481	87,241	215
Washington	58,062	52,563	50	22,611	12,889	165	—	—	—	129	80,673	65,452	215
West Virginia	21,991	19,787	12	9,226	5,464	21	10	8	—	31	31,227	25,259	34
Wisconsin	28,753[2]	25,138	23	29,943	16,691	217	2,519	1,271	113	243	61,215	43,100	353
Wyoming	19,699	18,365	38	5,580	3,695	69	—	—	—	38	25,279	22,060	107
Dist. of Col.	2,367	2,129	1	580	289	2	—	—	—	7	2,947	2,418	3
Total: Jan.-Oct., 1965	2,078,672	1,859,445	2,495	1,170,136	633,760	10,381	16,549	12,223	266	5,405	3,265,357	2,505,428	13,142

[1] Contracts awarded and force account work authorized by State agencies for highways, including Federal-State, Federal-State-local, and a small amount by the Federal Government for national park and forest roads, etc. Work on local roads and streets is included only when Federal funds are involved.

[2] Included with force account authorizations, but not included with contracts awarded, are the force account authorizations for work on the Interstate system as follows: Illinois $1,270,000; Minnesota $2,881,000; Mississippi $624,000; Montana $10,000; New Jersey $872,000; Ohio $560,000; South Dakota $102,000; Texas $86,000; Wisconsin $14,000.

SOURCE: U.S. Department of Commerce, Bureau of Public Roads.